

TITLE 7
HEALTH AND ENVIRONMENT

ORDINANCE
2007-6-4-25

ARTICLE 17
**HENRY COUNTY HEALTH DEPARTMENT PUBLIC
AND SEMI-PUBLIC SWIMMING POOL AND SPA
OPERATIONS ORDINANCE**

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Preface

The purpose of this ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with recreational water illnesses and to otherwise promote public safety and welfare and protection of the environment.

This ordinance regulates public and semi-public swimming pools, spas, wading pools, and therapeutic pools with regard to the health and welfare of people in water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Department of Health Rule 675 IAC 20-1.1, "Swimming Pool Code", and 410 IAC 6-2.1, "Public and Semi-Public Pools". This Ordinance further incorporates any updates, amendments, or revisions that may occur from time-to-time, and any bulletin or publication which may hereafter be published by the Indiana State Department of Health as a supplement or successor to Indiana State Department of Health Rule 675 IAC 20-1.1, "Swimming Pool Code", and 410 IAC 6-2.1, "Public and Semi-Public Pools". This ordinance provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.

Be it ordained by the Board of Commissioners of Henry County, State of Indiana, that:

Chapter 1: Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

7-17-1-1

"Air gap" shall mean the unobstructed vertical distance through atmosphere between the water supply inlet and the flood level of the rim of the receiving unit.

7-17-1-2

"Bather" shall mean any person using a pool facility for the purpose of recreation, relaxation, therapy or related activities

7-17-1-3

"Bather load" shall mean the maximum number of bathers allowed within a pool structure using the following formulas:

1. the square footage per bather for an indoor swimming pool shall be equal to the water surface area divided by twenty-four (24)
2. the square footage per bather for an outdoor swimming pool shall be equal to the water surface area divided by twenty (20)
3. the square footage per bather for a spa shall be equal to the water surface area divided by ten (10)

7-17-1-4

"Board" shall mean the Henry County Board of Health of New Castle, Henry County, Indiana.

7-17-1-5

"Breakpoint chlorination" shall mean the point in rising chlorine residual at which the concentration of free or available chlorine becomes great enough to completely oxidize all organic matter and ammonia compounds (chloramines) in a pool.

7-17-1-6

"Department" shall mean the Henry County Health Department, Henry County, Indiana, and/or its employees.

7-17-1-7

"Diving pool" shall mean a pool designed and constructed primarily for diving and does not have a shallow end.

7-17-1-8

"Health Officer" means the individual duly appointed as Health Officer of Henry County, Indiana, by the Henry County Board of Health, or his/her authorized representative.

7-17-1-9

"Imminent health hazard" shall mean any event, circumstance or situation, which in the discretion of the Health Officer presents a serious and present health or safety risk to a person or to the public at large.

7-17-1-10

"mg/L" shall mean milligrams per liter and is equivalent to parts per million (ppm) when the medium is water.

7-17-1-11

"Owner" shall mean any individual, association, company, corporation, partnership, division of government or other group acting as a unit, trust, estate, agent or legal representative thereof who shall hold title to the real estate upon which the pool is placed, or who shall be legally responsible for the operations of the pool, or who shall be so named as the owner on the pool permit application.

7-17-1-12

"Permit" shall mean a certificate approved and issued by the Health Officer of Henry County, Indiana allowing pool operations.

7-17-1-13

"Person" shall mean any individual, association, company, corporation, partnership, division of government, agent or other legal representative.

7-17-1-14

"Plunge pool" shall mean a pool located at the exit end of a waterslide flume which is intended and designed to receive sliders emerging from the flume.

7-17-1-15

"Pool" shall mean a structure, basin, chamber or tank containing an artificial body of water designed for swimming, diving, wading, or other recreational use, or for relaxation or other therapeutic purposes.

7-17-1-16

"Public pool" shall mean any pool operated by a concessionaire, lessee, licensee or owner which is intended to be used for recreational or therapeutic purposes to the public at large regardless of whether a fee is charged for use, other than those pools defined as semi-public or pools constructed at a one (1) or two (2) family dwelling for the sole use of the household and house guests.

7-17-1-17

"Semi-public pool" shall mean any pool which is operated for and in conjunction with hotels, motels, apartments, condominiums, bed and breakfasts or similar lodgings, health clubs, neighborhood associations, camps or mobile home parks, medical or behavioral treatment facilities, universities, colleges, or other schools.

7-17-1-18

"Spa" or "Spa pool" shall mean a hydrotherapy structure used primarily for therapeutic or relaxation purposes which is not drained, cleaned and refilled after each use.

7-17-1-19

"Turnover rate" shall mean the period of time, expressed in hours, required to circulate the volume of water equal to the pool capacity through the pool water treatment system.

7-17-1-20

"Wading pool" shall mean a pool used for bathing that has a maximum depth of two (2) feet.

7-17-1-21

"Wave pool" shall mean a pool having a bottom sloped upward from the deep end to the surface at the shallow end with equipment installed at the deep end to create wave motions in the water.

7-17-1-22

"Zero depth pool" shall mean a pool with a bottom sloped upward from the deep end to the surface level at the shallow end.

Chapter 2: Permit Requirements

7-17-2-1

Nothing in this ordinance shall be construed as applying to any pool or spa constructed at a one (1) or two (2) family dwelling and maintained for the sole use of the household and houseguests, or to any pool or spa in a hospital or health facility approved by the Indiana State Board of Health, which pool or spa is used for individual therapy only and drained and filled prior to each individual use.

7-17-2-2

It shall be unlawful for any person to operate a public or semi-public pool in Henry County, Indiana, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable provisions of this ordinance shall be entitled to receive and retain such permit. Such permit shall be for a term of one (1) year or less and shall be renewed annually on or before the anniversary date established by the Health Officer.

7-17-2-3

Each pool structure shall require a permit for the operation of such pool. A permit issued by the Health Officer for such pool shall contain the name of the owner, pool water surface area, pool water volume capacity and any such other data as the Health Officer may deem necessary. Such permit shall be posted in a conspicuous place on the premises of such pool.

7-17-2-4

Pools and spas which operate only during the months of May, June, July, August, or September shall pay the Department a seasonal permit fee of twenty five dollars (\$25.00), which shall be submitted with the seasonal permit application.

7-17-2-5

Pools and spas which operate for periods which include months other than the months listed in 7-13-2-4 of this Ordinance shall pay to the Department an annual permit fee of fifty dollars (\$50.00), which shall be submitted with the annual permit application.

7-17-2-6

In addition, a fee of \$25.00 shall be paid for each additional swimming pool or spa operated by the same owner at the same address.

7-17-2-7

Tax supported units of government shall be exempt from the payment of the proscribed fees in this chapter aforementioned.

7-17-2-8

All annual permit fees shall be payable prior to the expiration date of said permit.

7-17-2-9

Pool permits are non-transferable, and once an establishment has been issued a permit to allow pool operations the cost of such permit is non-refundable.

Chapter 3: Collection Accounting and Disposition

7-17-3-1

The Henry County Health Department shall collect such fees established as a part of this Ordinance in accord with the schedules designated in Chapter 2 aforementioned.

7-17-3-2

All fees and fines collected by the Henry County Health Department shall be accounted for in detail for each Permit Fee or fine.

7-17-3-3

All fees and fines collected by the Henry County Health Department under this Ordinance shall be transferred to the Henry County Health Fund. The monies collected in accord with the provisions of this Ordinance shall be used only for the maintenance of or for future expansion of the specific program service from which they are derived.

Chapter 4: Water Sample Collection and Testing

7-17-4-1

Bacteriological testing of pool water shall start at least one (1) week prior to the opening of a swimming pool or spa.

7-17-4-2

The owner of a pool shall arrange for the collection and bacteriological examination of at least one (1) sample of pool water per week whenever such pool is open for use.

7-17-4-3

A pool owner may utilize a private, state approved laboratory for water sample collection and examination and shall be responsible to submit the water sample reports to the Department. Failure to submit any weekly pool water sample during the time such pool is open for use shall cause such missed sample to be declared unsatisfactory for the appropriate week.

7-17-4-4

Bacteriological examinations performed on pool water samples shall include a heterotrophic thirty-five (35) degree Centigrade plate count and a total coliform test using the multiple tube fermentation test, a membrane filter test or the one hundred (100) milliliter present/absent test.

7-17-4-5

Any two (2) consecutive pool water samples or three (3) pool water samples collected in a six (6) week period from the same pool which contain more than two hundred (200) bacteria colonies per milliliter as determined by the heterotrophic thirty-five (35) degree Centigrade plate count or test positive for coliform organisms using the tests enumerated in 7-13-4-4 of this Ordinance shall cause such pool to be closed by the Department.

7-17-4-6

Whenever a pool is closed by the Department due to an unsatisfactory pool water sample report, an additional sample shall be submitted to the Department or other state approved laboratory to be analyzed. The pool may be reopened upon receipt of a satisfactory report.

7-17-4-7

Whenever a pool is closed for more than fourteen (14) consecutive days, for any reason, a water sample shall be submitted to the Department or other state approved laboratory to be analyzed. The pool may be reopened upon receipt of a satisfactory report.

Chapter 5: Records of Operation / Inspections

7-17-5-1

Daily operating records for pools shall be maintained and recorded each day a pool is open for use, and such records are to be kept for a minimum of one (1) year and made available to the Department upon request. Such records shall contain the following:

1. Disinfectant residuals, pH readings, combined chlorine concentrations and total alkalinity
2. Volume of fresh water added to pool
3. Amounts of chemicals added to pool
4. Operating periods of pool water pumps and filters and the rate of flow readings in gallons per minute (gpm)
5. Maintenance and malfunctioning of equipment.
6. Cyanuric acid levels if cyanuric acid is used.

7-17-5-2

All pools shall have available onsite an injury/incident report form prescribed by the Indiana State Department of Health. Such form shall be completed for each occurrence that results in death, that requires resuscitation, or that requires transportation to a medical facility for treatment or results in an illness believed to be connected to the water quality of the pool. Such form shall be furnished to the Department and to the Indiana State Department of Health within ten (10) days of the incident.

7-17-5-3

The Department shall inspect all pools under seasonal permit at least once annually.

7-17-5-4

The Department shall inspect all pools under annual permit at least once annually.

Chapter 6: Depth Markings

7-17-6-1

Depth of pool water shall be plainly marked at or above the water surface on the vertical pool walls and on the top of the coping or walk next to the pool.

7-17-6-2

Depth markers on the deck shall be within eighteen (18) inches of the water's edge and positioned to be read while on the deck facing the water.

7-17-6-3

Depth markings shall be installed at the maximum and minimum water depths and at all points of slope change at increments of water depths not to exceed two (2) feet.

7-17-6-4

Depth marking shall be at least four (4) inches in height, colored in contrast to the background on which they are applied and expressed in feet (or ft.) and inches (or in.).

7-17-6-5

Where depth markers cannot be placed on the vertical walls at or above the water level of a pool, other means shall be used which are plainly visible from the centerline of the pool.

7-17-6-6

Swimming pools having water depths greater than five (5) feet extending for a distance of not less than (five) feet shall have a buoyed transition line extended across the width of the pool. Such line shall be securely fastened to anchors constructed of corrosion resistant materials and recessed into the pool walls at a point one (1) foot upslope from the breakpoint between shallow areas of five (5) feet or less and deep areas over five (5) feet. Such line shall be installed at all times the pool is open for use except when the pool is being used for organized competitive activities.

7-17-6-7

All public and semi-public pools, except spas, shall conform to the provisions of this chapter.

Chapter 7: Signage

7-17-7-1

A sign warning "DANGER – HAZARDOUS CHEMICALS" in clearly legible letters at least four (4) inches in height shall be posted on or adjacent to the pool chemical feed and chemical storage rooms.

7-17-7-2

Whenever a swimming pool is open for use and no lifeguard service is provided, a sign shall be placed in plain view at the entrance(s) and inside the pool perimeter that warns "WARNING – NO LIFEGUARD ON DUTY" in clearly legible letters at least four (4) inches in height, and the signs shall also warn "NO SWIMMING ALONE. CHILDREN UNDER 14 YEARS OF AGE AND NON SWIMMERS SHALL NOT USE THE POOL UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT" in clearly legible letters at least two (2) inches in height. This sign shall not be required at spas or therapy pools.

7-17-7-3

Whenever a pool is not open for use a sign stating "POOL CLOSED" in clearly legible letters at least four (4) inches in height shall be posted at the entrance (s) or near the pool structure that is closed. When possible, access to a closed pool shall be denied with a fixed barrier or locked entrance(s).

7-17-7-4

Signs stating "NO DIVING" in clearly legible letters four (4) inches in height shall be posted at non-diving areas and at portions of the pool which are five (5) feet or less in water depth. Such signs shall not be required at spas or wading pools.

7-17-7-5

The following sanitation and safety rules shall be posted within the pool perimeter on signage with clearly legible letters at least one (1) inch in height:

1. Anyone who has or has had diarrhea in the past two (2) weeks shall not use the pool.
2. Anyone who has an area of exposed subepidermal tissue, open blisters, cuts, etc., is advised not to use the pool.

3. All persons shall take a cleansing shower before entering the pool. A bather leaving the pool to use the toilet shall take another cleansing shower before returning to the pool enclosure.
4. Spitting, spouting of water, blowing the nose and similar behavior in the pool is prohibited.
5. No running or rough play is permitted in the pool, on the runways, on diving boards, on floats, on platforms, in dressing rooms, or in showers.
6. Street clothes are not allowed in the pool.

7-17-7-6

In addition to the requirements of 7-13-7-5 of this Ordinance, spas shall have the following warning posted:

1. Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure or low blood pressure should not enter the spa except under advice of a physician.
2. Avoid use while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or raise or lower blood pressure.
3. Exposure greater than fifteen (15) minutes may result in drowsiness, nausea, or fainting.

7-17-7-7

In addition to the requirements of 7-13-7-5 of this Ordinance, wading pools shall have the following rules posted:

1. All diaper-aged children shall use plastic pants with tight fitting elastic at the legs and waist, or wear swim diapers.
2. Do not change diapers poolside.

7-17-7-8

The following rules shall be posted at or near the entrance of a pool slide:

1. One (1) rider at a time. Wait until the landing area is clear before entering slide.
2. Slide in a sitting position or on the back only.
3. Do not attempt to stop on the slide.
4. Leave the plunge area immediately.
5. Warning: Water depth is _____ feet.

7-17-7-9

The following rules shall be posted near the entrance of a water slide:

1. Only one (1) rider at a time.
2. Follow the instructions of the attendant and/or lifeguard.
3. No running, standing, kneeling, rotating, tumbling, or stopping in the flumes.
4. No diving from a flume.
5. Leave the plunge pool promptly after entering.

7-17-7-10

A sign shall be posted in the immediate vicinity of the pool indicating the location of a telephone designated for emergency use. Such telephone shall be located within two hundred (200) feet of the pool enclosure and be available for emergency use whenever the pool is open and shall have the following emergency telephone number(s) posted within view of the use:

1. 911
2. Ambulance or Rescue Unit (if different than 911)
3. Hospital (if different than 911)
4. Police (if different than 911)
5. Fire Department (if different than 911)

Chapter 8: Spectator and Snack Areas

7-17-8-1

There shall be a separation between the area used by visitors and spectators at a public pool and the area used by bathers. Visitors and spectators may be permitted within the pool enclosure if an area is provided which is separated from the area used by bathers with a barrier at least twenty-nine (29) inches in height.

7-17-8-2

Food and beverages shall not be permitted within any pool enclosure except in a visitor or spectator area as described in 7-13-8-1 of this Ordinance or in a similarly separated snack area for bathers. Refuse containers with tight fitting lids shall be provided in these areas.

7-17-8-3

No glass food or beverage containers or other glassware shall be allowed within any pool enclosure. If any broken glass is suspected or known to be in a pool, the pool shall be closed and the glass removed before the pool can be opened for use.

7-17-8-4

Refuse shall be collected and regularly disposed of so that the pool area is kept clean and litter free.

Chapter 9: Pool Construction

7-17-9-1

All public and semi-public pools shall be enclosed by a fence, wall, building or other barrier of durable construction which is at least six (6) feet of height to aid in the movement of bathers, spectators or other patrons and to discourage the entrance of unwanted persons.

7-17-9-2

All doors and gates that serve as an entrance to a swimming pool and/or spa shall be equipped with operable self-latching and self-closing devices, which shall be capable of being locked.

7-17-9-3

An attendant stationed at the entrance of a public pool at all times such pool is open for use shall be sufficient to satisfy the requirements of self-latching and self-closing doors or gates as referenced in 7-13-9-2 of this Ordinance.

7-17-9-4

All public and semi-public pools in which such pools are indoors and lifeguard service is provided shall have acoustical treatment to control noise levels so that bathers can hear signals and directions of routine supervision and emergency control.

7-17-9-5

A pool shall not be operated if a drain cover or outlet grate is missing, broken, have any configuration or space which could entrap the fingers or toes of a bather or can be removed without the use of tools.

7-17-9-6

Decks shall be so constructed so as to cause water to drain away from the pool.

7-17-9-7

A hose bibb with a vacuum breaker shall be installed at the water spigot when a water hose is connected to such spigot for the purpose of washing the pool deck or adding fresh water to a pool.

7-17-9-8

Skimming devices shall develop sufficient suction on the water to induce floating scum and wastes into the skimmer. The skimmer shall be of sturdy, corrosion-resistant material with an easily removable and cleanable basket or screen through which pool water overflow must pass and have a hole in the skimmer cover to prevent air lock of the pump when such cover is fastened to the skimmer housing.

7-17-9-9

Swimming pools having a diving board shall conform to the requirements set forth in 675 IAC 20-2-8 and 675 IAC 20-2-15.

7-17-9-10

Any outdoor pool when open for use after dusk shall have operable overhead and underwater lighting.

7-17-9-11

A wave pool shall be equipped with not less than two (2) emergency wave shutoff devices, with one (1) device located on each side of the pool at a fixed lifeguard station.

7-17-9-12

A timing control for a spa shall be so located that it cannot be adjusted by a patron while seated in the spa.

7-17-9-13

All pools, ancillary facilities and components thereof shall be designed, constructed, operated, maintained and modified so as to minimize the possibility of harm to pool patrons due to pinching, tripping, slipping, abrasion, puncture, entrapment or other hazard as identified by the Health Officer.

7-17-9-14

All pools, ancillary facilities and components thereof shall be designed, constructed, operated, maintained and modified in accordance with applicable provisions of 675 IAC 20-1.1.

Chapter 10: Pool Closure

7-17-10-1

A pool shall be closed when any of the following occur:

1. Failure to meet the bacteriological requirements as referenced in 410 IAC 6-2.1 (Indiana State Department of Health Swimming Pool Rule).
2. Failure to meet the disinfectant concentration requirements as referenced in 410 IAC 6-2.1 (Indiana State Department of Health Swimming Pool Rule)
3. Failure to meet the water clarity requirements as referenced in 410 IAC 6-2.1 (Indiana State Department of Health Swimming Pool Rule).
4. The main outlet cover or grate is missing, broken or not securely fastened as referenced in 410 IAC 6-2.1 (Indiana State Department of Health Swimming Pool Rule).
5. Failure to meet the lifeguard requirements as enumerated in 410 IAC 6-2.1 (Indiana State Department of Health Swimming Pool Rule).
6. A pump, filter or disinfectant feed is non-operational.
7. A nonsolid fecal accident as referenced in 410 IAC 6-2.1 (Indiana State Department of Health Swimming Pool Rule).

8. A spa water temperature exceeds one hundred four (104) degrees Fahrenheit.
9. Broken glass is suspected or known to be in the pool water.
10. Upon being advised by the Health Officer, any circumstance which the Health Officer determines to be a serious health or safety risk.

Chapter 11: Powers for Inspection, Suspension, Revocation, Hearings and Orders

7-17-11-1

The Owner or his agent shall, upon the request of the Health Officer, permit access to all areas of the pool and shall permit inspection of, access to, and the copying of any and all records relating to the operation of the pool.

7-17-11-2

Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the Health Officer shall give notice of such alleged violations to the Owner and/or agent as hereinafter provided. Such notice:

1. Shall be in writing;
2. Shall include a statement of the reasons why it is being issued;
3. Shall contain an outline of remedial action, which, if taken, will effect compliance with the provisions of the ordinance;
4. Shall allow a reasonable time for the correction of the violation(s); and
5. Shall be served upon the Owner or his agent, provided that such notice shall be deemed to be properly served upon such Owner or agent, if a copy thereof is sent by certified mail to the address listed on the permit of the facility affected by such notice, or if the Owner or its agent is served with such notice by any other method authorized by the laws of this state.

7-17-11-3

The Health Officer may order a fine, suspension or revocation of any permit issued under this Ordinance for the following reasons:

1. Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the Health Officer in the performance of his/her duties.
2. As a result of the willful and/or continuous violation of any provision of this Ordinance.

7-17-11-4

No fine, suspension or revocation shall be ordered by the Health Officer except after a hearing. Notwithstanding any other provisions of this Ordinance, whenever the Health Officer, or his/her authorized representatives find unsanitary or other conditions, involving the operation of a facility regulated under this Article the operation of which, in his/her reasonable belief, constitutes an imminent health hazard, he/she shall, without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its facility, which order shall cite the existence of said unsanitary condition(s) and shall specify the corrective action(s) to be taken.

1. Such order shall be effective immediately.
2. Upon written request to the Health Officer, the permittee shall be afforded a hearing on the next business day.
3. The Health Officer or his/her representative shall make a reinspection upon the request of the permittee during normal business hours of the Health Department. When the Health Officer determines that the necessary corrective action(s) have been taken, operation of the facility may be resumed.

7-17-11-5

All hearings required under this Chapter, except those set forth in 7-13-11-4 of this Ordinance, shall be held only upon at least ten (10) days written notice to the permittee of time, place and nature thereof. The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Officer.

7-17-11-6

At any hearing required under this Ordinance, every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded. Upon the conclusion of such hearing, the Health Officer shall enter a final order, subject to the right of appeal.

7-17-11-7

Any permittee aggrieved by any final order of the Health Officer shall be entitled to a review of the final order before the Board by filing a written request therefore with the Secretary of the Board within fifteen (15) days after such final order is issued. Upon the Health Officer's receipt of such request, the Board shall hear the matter *de novo* in an open hearing at least ten (10) days written notice of the time, place and nature thereof. The Health Officer and permittee may agree to a shorter period of time, if requested by either party. The notice shall be issued by the Secretary of the Board to the Health Officer and the permittee filing the request. The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Secretary of the Board. At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Officer; provided, that upon written request by the permittee or the Health Officer, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party. The expense of such proceedings shall be charged to the permittee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting the same. At the time the transcript is requested, the Board may require the permittee to pay a deposit in an amount determined by the Board to be necessary to secure such expense(s). The Board shall make written findings of fact and shall enter its final order or determination of the matter in writing.

Chapter 12: Enforcement and Penalties

7-17-12-1

It shall be the duty of the Health Officer to enforce the provisions of this Ordinance. Any permit issued in conflict with the provisions of this ordinance shall be null and void. A violation of an Order issued by the Health Officer, Department or Board shall be considered to be a violation of this ordinance.

7-17-12-2

Whenever the Health Officer determines that any personnel or any other person, is in willful violation of any of the provisions of this Ordinance, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Henry County or the attorney for the Board, who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

7-17-12-3

The operation of any public or semi-public pool which is contrary to any of the provisions of this Ordinance is hereby declared to be a common nuisance and an unlawful violation of this Ordinance; the Owner of said swimming pool shall be liable for maintaining a common nuisance.

7-17-12-4

Any Owner who violates any provision of this Ordinance shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be a separate offense.

7-17-12-5

Any Owner violating any of the provisions of this ordinance shall become liable to Henry County for any expense, loss, or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

7-17-12-6

The remedies provided for in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

Chapter 13: Enforcement Interpretation

7-17-13-1

The Health Officer may initiate any procedures as he/she deems necessary for proper enforcement in order to carry out the purpose and intent of this ordinance.

Chapter 14: Severability

7-17-14-1

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

Chapter 15: Incorporated by Reference

7-17-15-1

The requirements of Indiana State Department of Health Rule 410 IAC 6-2.1 "Swimming Pool Rule" are hereby incorporated by reference as part of this ordinance and all public and semi-public swimming pool and spas shall be constructed and operated in accordance with the terms and provisions of such rule.

7-17-15-2

The requirements of Indiana Administrative Code 675 IAC 20-1.1 "Swimming Pool Code" are hereby incorporated by reference as part of this ordinance and all public and semi-public swimming pools and spas shall be constructed and operated in accordance with the terms and provisions of such code.

Chapter 16: Repeal and Effective Date

7-17-16-1

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Ordinance 2007-6-4-25 passed and adopted by the Commissioners of Henry County, State of Indiana, on this 25th day of April, 2007.

Signed:

Phillip J. Estridge

Larry D. Hale

William Cronk

Henry County Board of Commissioners
New Castle, Indiana

Ordinance 2007-6-4-25 published on May 9, 2007 and May 10, 2007 in Henry County, Indiana.

Attested to:

Linda Ratcliff

Auditor, Henry County
New Castle, Indiana

